REMARKS

I. Introduction

This is in response to the Office Action dated March 30, 2011.

The Office Action rejected claims 1-3, 5-25, 27-46, and 48-81 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,914,472 (Foladare) considered with U.S. patent No. 6,539,725 (Joao).

Claims 1, 23, 45, 46, 65, and 78 are amended. Claims 1-3, 5-25, 27-46, and 48-81 remain for consideration. No new matter has been added.

II. Examiner Interview

The undersigned representative wishes to thank Examiner Franvil for the courtesy extended in a telephonic interview with Xiaolei Daniel Sun (Reg. No. 65,058) on June 7, 2011. During this interview, suggestions for overcoming the rejection of claim 1 under 35 U.S.C. §103(a) were discussed. While no particular agreement was reached, the Examiner indicated that an amendment clarifying that the managed message enables payment transactions from the first and second user may assist in distinguishing from the cited references.

III. Claim Rejections under 35 U.S.C. §103

Independent claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Foladare and Joao. In order to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. The cited references, either alone or in combination, do not teach all of the claim limitations of independent claim 1. Therefore, the withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Amended independent claim 1 recites, in part:

transmitting a managed message from a computational entity to a first device associated with a first user and to a second device associated with a second user, the managed message enabling a payment transaction from each of the first user and the second user;

receiving, from the first user, a payment transaction authorization associated with input responsive to the managed message, the payment transaction authorization from the first user being independent of a payment transaction authorization from the second user; and

receiving an affirmative response in reply to the managed message from the first user in response to a successful payment associated with the payment transaction authorization, the affirmative response from the first user being independent of a response from the second user.

Foladare describes a "system and method for allowing a parent to control the use of an ancillary credit or debit transaction card which is issued to a child." (See Foladare, Abstract) The system controls "spending limits of an ancillary cardholder whereby communication is established with the account holder when the ancillary cardholder has exceeded a predetermined spending limit, and the account holder is queried whether or not to increase the ancillary cardholder's spending limit and by how much. (See Foladare, col. 2, lines 16-24) A system and method "for approval or refusal of a transaction by an ancillary transaction cardholder, and for contacting and informing the account holder that the spending limit of the cardholder has been reached, and requesting of the cardholder whether the spending limit of the ancillary cardholder should be increased and by what amount" is described. (See Foladare, col. 2, lines 25-33)

Foladare fails to teach or suggest "transmitting a managed message from a computational entity to a first device associated with a first user and to a second device associated with a second user, the managed message enabling a payment transaction from each of the first user and the second user" as recited in amended independent claim 1. Foladare describes a "central computer" that can contact a "parent for parental approval or refusal" of a transaction by a child "if the transaction exceeds the present spending amount for the child." (See Foladare, col. 3, lines 2-12) The central computer may contact the parent using "two-way communications" and "queries the parent if the card issuer should deny or approve the transaction based on the pre-approved parental spending limit." (See Foladare, col. 3, lines 7-12) "The central computer passes appropriate approval or refusal codes for the transaction to the merchant." (See Foladare, col. 3, lines 15-16) However, there is no description in Foladare that the central computer is a "computational entity" that transmits a managed message to "a first device associated with a first user and to a second device associated with a second user" and that the managed message enables "a payment transaction from each of the first user and the second user."

Foladare also fails to teach or suggest "receiving, from the first user, a payment transaction authorization associated with input responsive to the managed message, the payment transaction authorization from the first user being independent of a payment transaction authorization from the second user" as recited in amended independent claim 1. The Office Action cites col. 3, lines 3-22 of Foladare as describing the aforementioned feature. Foladare describes an "ancillary transaction card" issued to a child "such that when the child uses the issued card to procure goods or services from a merchant, approval for the transaction is sought by the merchant." (See Foladare, col. 2, lines 48-53). The merchant "contacts a central computer" that can contact a "parent for parental approval or refusal" of a transaction by a child "if the transaction exceeds the present spending amount for the child." (See Foladare, col. 3, lines 2-12) The central computer may contact the parent using "two-way communications" and "queries the parent if the card issuer should deny or approve the transaction

based on the pre-approved parental spending limit." (See Foladare, col. 3, lines 7-12) "The central computer passes appropriate approval or refusal codes for the transaction to the merchant." (See Foladare, col. 3, lines 15-16) While Foladare describes receiving a payment authorization from a parent, this payment authorization is based on a child using an issued ancillary transaction card to purchase goods. Furthermore, a merchant must query a parent before denying or approving the transaction. Thus, there is no description in Foladare of "the payment transaction authorization from the first user being independent of a payment transaction authorization from the second user."

Additionally, Foladare fails to teach or suggest "receiving an affirmative response in reply to the managed message from the first user in response to a successful payment associated with the payment transaction authorization, the affirmative response from the first user being independent of a response from the second user" as recited in amended independent claim 1. The Office Action cites col. 3, lines 2-43 of Foladare as describing the aforementioned feature. Foladare describes "two-way communications between the central computer and the account holder/parent" to notify "the parent of a pending transaction, including the amount of spending excess above the pre-approved spending limit and identification of the ancillary cardholder" and querying the parent "for approval or refusal for the pending transaction." (See Foladare, col. 3, lines 23-30) "[T]he database containing parental controlled spending limits on ancillary transaction cards is accessed and controlled by the central computer ... when the central computer is not the issuer computer, the central computer requests approval/refusal from the issuer computer based on the account status only." (See Foladare, col. 3, lines 34-43) However, there is no description in Foladare of the central computer "receiving an affirmative response in reply to the managed message from the first user in response to a successful payment associated with the payment transaction authorization, the affirmative response from the first user being independent of a response from the second user."

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The Office Action concedes that Foladare does not explicitly state transmitting the managed message to a second user. However, The Office Action relies on Joao as describing this feature.

Joao describes a "transaction security apparatus and method including an input device for inputting transaction data, a processing device for processing the transaction data and for generating a first signal corresponding to the transaction, and a transmitter for transmitting the first signal over a communication device associated with an individual account holder." (See Joao, Abstract) The apparatus and method comprise a "point-of-sale authorization terminal …utilized in conjunction with the sales of goods." (See Joao, col.4, lines 8-15) The point of sale authorization terminal is linked to a central processing computer. (See Joao, col. 4, lines 35-38)

Joao, like Foladare, fails to teach or suggest "transmitting a managed message from a computational entity to a first device associated with a first user and to a second device associated with a second user, the managed message enabling a payment transaction from each of the first user and the second user" as recited in amended independent claim 1. Joao discloses "transmit[ting] respective signals and/or data to any one or more of the cardholder's designated fax machine 5, personal computer 6, telephone 7, telephone answering machine 8, alternate telephone 9, alternate telephone answering machine 10, network computer 11, and/or alternate beeper 12 or alternate page 13" (See Joao, col. 18, lines 22-28) more generally discloses "transmitting signals and/or data to the cellular telephone 202 and to the communication device 204 and/or to any other device which may be utilized." The Office Action additionally cites to col. 20, lines 29-67 of Joao as describing the transmittal of a managed message to a second device associated with a second user. However, the cited portion of Joao merely describes the ability for a "cardholder" to "monitor the number of transactions which are unauthorized by the cardholder and to determine whether or not to authorize transactions." While Joao describes a system for a card user to monitor transactions and Foladare describes a system for a parent to monitor and authorize transactions of a child card user, neither Foladare nor Joao, taken

alone or in combination with one another, describe transmitting one managed message to both "a first device associated with a first user and to a second device associated with a second user" and "the managed message enabling a payment transaction from each of the first user and the second user."

Joao is not relied on for disclosing "receiving, from the first user, a payment transaction authorization associated with input responsive to the managed message, the payment transaction authorization from the first user being independent of a payment transaction authorization from the second user" or "receiving an affirmative response in reply to the managed message from the first user in response to a successful payment associated with the payment transaction authorization, the affirmative response from the first user being independent of a response from the second user" as recited in amended independent claim 1. Thus, Joao fails to teach or suggest "receiving, from the first user, a payment transaction authorization associated with input responsive to the managed message, the payment transaction authorization from the first user being independent of a payment transaction authorization from the second user" or "receiving an affirmative response in reply to the managed message from the first user in response to a successful payment associated with the payment transaction authorization, the affirmative response from the first user being independent of a response from the second user" as recited in amended independent claim 1.

Thus, Foladare and Joao, taken alone or in combination with one another, fail to teach or suggest all of the recitations of independent claim 1 as amended. Therefore, withdrawal of the rejection of claim 1 is respectfully requested.

Independent claims 23, 45, 46, 65, and 78 are amended similarly to independent claim 1. Thus, independent claims 23, 45, 46, 65, and 78 are allowable for at least the reasons presented above with respect to independent claim 1.

All remaining claims depend from an allowable base claim and are also allowable at least by virtue of their dependency from an allowable base claim.

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IV. No New Matter has Been Added

Support for the amendment to claims 1, 23, 45, 46, 65, and 78 can be found throughout the Specification as filed and at least at pages 3, 4, and 9 through 11.

V. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

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